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AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN,
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KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD,
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ML, MR, NE, SN, TD, TG).

Declaration under Rule 4.17:

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AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ,
CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE,
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JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA,
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BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN,
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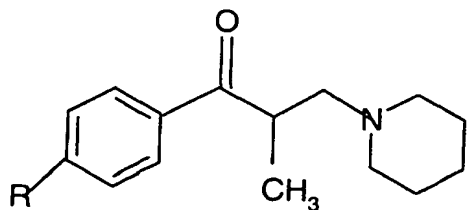
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ance Notes on Codes and Abbreviations" appearing at the begin-
ning of each regular issue of the PCT Gazette.

(54) Title: PHARMACEUTICAL COMBINATION FOR THE TREATMENT OF SPASTICITY AND/OR PAIN



(I)

(57) Abstract: The present invention relates to a pharmaceutical com-
bination for the treatment of spasticity and/or pain characterized by that
the combination contains as active ingredient 70-95% w/w compound of
formula (I), wherein R represents a methyl or ethyl group, and 5-30 %
w/w dextromethorphan (chemical name: (+/-)-3-methoxy-17-methylmor-
phinan).

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A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/4453 A61K31/485 A61P25/08 A61P21/02

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 89/05641 A (PONTECORVO MICHAEL J ; FERKANY JOHN W (US)) 29 June 1989 (1989-06-29) page 7, line 1 - line 5 page 7, last paragraph claims 1,5-7,10,16	1-5
Y	----- DATABASE WPI Section Ch, Week 197821 Derwent Publications Ltd., London, GB; Class B03, AN 1978-37512A XP002300728 & JP 53 040779 A (NIPPON KAYAKU KK) 13 April 1978 (1978-04-13) abstract ----- -/-	1-5

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the International filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the International filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

& document member of the same patent family

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 89/05642 A (FERKANY JOHN W ; PONTECORVO MICHAEL J (US)) 29 June 1989 (1989-06-29) page 8, line 11 claims 1-5,20 -----	1-5
Y	WO 00/59508 A (SANOCHEMIA PHARMAZEUTIKA AG ; FRANTSITS WERNER (AT)) 12 October 2000 (2000-10-12) claims 1-11 -----	1-5
A	WO 98/07447 A (LYLE JOHN W ; CARUSO FRANK S (US); MINN FREDRICK L (US); ALGOS PHARM C) 26 February 1998 (1998-02-26) the whole document -----	1-5
A	WO 97/04780 A (UNIV VIRGINIA COMMONWEALTH) 13 February 1997 (1997-02-13) the whole document -----	1-5

INTERNATIONAL SEARCH REPORT

International application No.
PCT/HU2004/000032

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claim 5 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 8905641	A	29-06-1989	US 4906638 A AU 2927989 A EP 0371085 A1 JP 2502545 T WO 8905641 A1	06-03-1990 19-07-1989 06-06-1990 16-08-1990 29-06-1989
JP 53040779	A	13-04-1978	NONE	
WO 8905642	A	29-06-1989	AU 2929489 A EP 0346445 A1 JP 2502546 T WO 8905642 A1	19-07-1989 20-12-1989 16-08-1990 29-06-1989
WO 0059508	A	12-10-2000	AT 409083 B AT 59499 A WO 0059508 A1 AU 1136400 A CA 2366841 A1 CZ 20013404 A3 EE 200100503 A EP 1165081 A1 ES 2168241 T1 HR 20010706 A1 HU 0200669 A2 JP 2002541107 T NO 20014738 A NZ 514129 A PL 351377 A1 RU 2223098 C2 SK 13642001 A3 TR 200102811 T2 US 6500455 B1	27-05-2002 15-10-2001 12-10-2000 23-10-2000 12-10-2000 13-02-2002 17-02-2003 02-01-2002 16-06-2002 28-02-2003 29-07-2002 03-12-2002 23-10-2001 29-04-2003 07-04-2003 10-02-2004 05-03-2002 21-05-2002 31-12-2002
WO 9807447	A	26-02-1998	AU 4078897 A CA 2264182 A1 EP 0942752 A1 JP 2001500121 T WO 9807447 A1 US 6187338 B1 US 2001008889 A1	06-03-1998 26-02-1998 22-09-1999 09-01-2001 26-02-1998 13-02-2001 19-07-2001
WO 9704780	A	13-02-1997	US 5840731 A AT 214277 T AU 6686596 A CA 2228249 A1 DE 69619832 D1 DE 69619832 T2 DK 845989 T3 EP 0845989 A2 ES 2170865 T3 JP 11512081 T PT 845989 T WO 9704780 A2 US 5869498 A US 5863922 A	24-11-1998 15-03-2002 26-02-1997 13-02-1997 18-04-2002 31-10-2002 29-04-2002 10-06-1998 16-08-2002 19-10-1999 31-07-2002 13-02-1997 09-02-1999 26-01-1999